

Message Text

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PAGE 01 STATE 096850
ORIGIN STR-07

INFO OCT-01 EA-10 NEA-10 IO-13 ISO-00 COME-00 L-03
AGRE-00 CEA-01 CIAE-00 DODE-00 EB-08 FRB-03 H-01
INR-10 INT-05 LAB-04 NSAE-00 PA-01 CTME-00 AID-05
SS-15 ITC-01 TRSE-00 SP-02 SOE-02 OMB-01 DOE-15
NSCE-00 SSO-00 ICAE-00 INRE-00 STRE-00 /118 R

DRAFTED BY STR:SBO'LEARY:TI
APPROVED BY STR:AWOLFF
COMMERCE:FMONTGOMERY
STATE:JSLATTERY
STR:TGRAHAM
STR:WBKELLY
STR:SLANDE

-----024135 150104Z /64

O R 150038Z APR 78
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO AMEMBASSY NEW DELHI
AMEMBASSY SINGAPORE

LIMITED OFFICIAL USE STATE 096850

MTN DEL

E.O. 11652: N/A

TAGS: ETRD, MTN

SUBJECT: U.S. INDIAN TROPICAL PRODUCTS AGREEMENT

REFERENCE: (A) STATE 085780 (B) PARIS 11349 (C) GENEVA
05346

1. WE UNDERSTAND THE NECESSITY BEHIND YOUR REQUEST FOR
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PAGE 02 STATE 096850

FINAL INSTRUCTIONS (REF C). HOWEVER, THE AGREEMENT HAS BEEN
SUBMITTED FOR COMMENT TO THE CHAIRMEN OF THE TRADE SUBCOM-
MITTEES OF BOTH THE HOUSE WAYS AND MEANS COMMITTEE AND THE
SENATE FINANCE COMMITTEE AND AUTHORIZATION TO SIGN HAS BEEN
REQUESTED FROM THE PRESIDENT. COMMENTS MAY EVOLVE FROM THIS
PROCESS WHICH WILL HAVE TO BE TAKEN INTO ACCOUNT IN MAKING
FINAL DECISIONS. EXCEPT FOR THIS POSSIBILITY, THESE ARE

FINAL INSTRUCTIONS.

2. WE STILL BELIEVE THAT THE LANGUAGE CONTAINED IN PARA 3 C AND D REF A IS AN OPTIMUM POSITION. NEVERTHELESS, IT IS RECOGNIZED THAT THIS LANGUAGE MAY BE DIFFICULT TO NEGOTIATE.

3. WE REQUIRE THE FOLLOWING MODIFICATIONS TO SIGN THE AGREEMENT.

A) WE WANT THE U.S. RIGHT TO WITHDRAW, IN THE EVENT INDIA DOES NOT MAINTAIN ITS CONCESSIONS, TO BE LEGALLY CLEAR. IN ADDITION TO POINTS ALREADY ACCEPTED BY INDIA (POINTS 3 A, B, AND E, REF A), WE MUST HAVE MODIFICATION SUGGESTED IN REF B, PARA 2. THIS WOULD CHANGE THE WORDING IN THE LAST SENTENCE OF THE U.S. LETTER FROM "IN RECOGNITION OF THE CONTENTS OF YOUR LETTER" TO "RELYING UPON THE MEASURES CITED IN YOUR LETTER". THE FINAL SENTENCE OF THE U.S. LETTER WOULD READ "IN THE INTERIM, RELYING UPON THE MEASURES CITED IN YOUR LETTER, THE GOVERNMENT OF THE UNITED STATES WILL PROVIDE MAXIMUM POSSIBLE SECURITY FOR ITS CONCESSIONS.". THIS IS THE BARE MINIMUM OF LEGAL LANGUAGE WE CAN ACCEPT.

B) WE DO NOT SEE ANY REASON TO DROP OUR REQUEST TO SPECIFY A MUTUAL RIGHT OF WITHDRAWAL BY BOTH SIDES. ACCORDINGLY YOU LIMITED OFFICIAL USE

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PAGE 03 STATE 096850

SHOULD SEEK INCLUSION OF THE FOLLOWING STATEMENT (OR A SIMILAR STATEMENT), AT THE END OF THE U.S. LETTER, "THE PARTIES TO THIS AGREEMENT, HOWEVER, MAINTAIN THE RIGHT OF WITHDRAWAL IF EITHER BELIEVES THE BALANCE OF CONCESSIONS HAS BEEN UPSET."

C) THERE IS A LACK OF BALANCE BETWEEN INDIAN AND U.S. OBLIGATIONS IN THAT THE U.S. IS COMMITTED TO ADDRESS THE QUESTION OF BINDINGS OF U.S. DUTIES IN THE MTN BUT INDIA IS NOT COMMITTED TO ADDRESS THE QUESTION OF INCREASED SECURITY FOR THEIR CONCESSIONS IN THE AGREEMENT. A CHANGE WHICH WOULD NOT LIMIT THE ACTUAL INDIAN RIGHT BUT WOULD RESOLVE THE U.S. APPEARANCE PROBLEM WOULD BE TO ADD THE EXPRESSION "BY BOTH SIDES" AFTER THE PHRASE "WILL BE ADDRESSED" SO THE FIRST SENTENCE OF PARA 3 OF THE U.S. LETTER WILL READ "THE QUESTION OF PERMANENT BINDINGS OF THE CONCESSIONS WILL BE ADDRESSED BY BOTH SIDES AT THE CONCLUSION OF THE MULTILATERAL TRADE NEGOTIATIONS OR JANUARY 3, 1980, WHICHEVER IS EARLIER." YOU MIGHT POINT OUT THAT BOTH SIDES MUST PARTICIPATE IN ANY DISCUSSION OF THE ISSUE. ALSO, IF THE INDIANS WISH, WE COULD CHANGE THE PHRASE "PERMANENT BINDINGS" TO SIMPLY "BINDINGS" OR

"INCREASED SECURITY".

4. IMPORTANT BUT NOT ESSENTIAL CHANGES ARE:

A) SOME CHANGE IN THE PRESENT LACK OF SYMMETRY BETWEEN THE LAST SENTENCE IN THE INDIAN LETTER "MY GOVERNMENT FURTHER EXPECTS YOUR GOVERNMENT TO BIND THESE CONCESSIONS IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE" QUOTE AND THE FIRST SENTENCE IN PARA 3 OF THE U.S. LETTER "THE QUESTION OF PERMANENT BINDINGS WILL BE ADDRESSED AT THE CONCLUSION OF THE MULTILATERAL TRADE

NEGOTIATIONS OR JANUARY 3, 1980, WHICHEVER IS EARLIER." SUGGEST WORDS "HOPES THAT" REPLACE "EXPECTS" IN INDIAN LIMITED OFFICIAL USE

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PAGE 04 STATE 096850

LETTER OR OTHER SIMILAR FORMULATION.

B) SOMETYPE OF SPECIFIC CITATION OF THE INDIAN IMPORT TRADE CONTROL POLICY VOL. I, APRIL 1977 TO MARCH 1978, APPENDIX 3, IN ORDER TO DOCUMENT THE MACHINERY CONCESSIONS.

5. FOR CONTINUATION OF DISCUSSIONS THERE WOULD BE A DISTINCT BENEFIT IF SHUKLA OR HODA COULD COME TO WASHINGTON BEFORE RETURNING TO NEW DELHI TO WORK OUT FINAL DETAILS AS THIS WOULD ALLOW RAPID INTERAGENCY DISCUSSION AND CLEARANCE OF ANY ALTERNATIVE FORMULATION. AS AN ALTERNATIVE WE UNDERSTAND THAT GRAEF MIGHT VISIT NEW DELHI TO ATTEMPT TO CONCLUDE NEGOTIATIONS.

6. WE ARE NOW UNDERTAKING AS PART OF THE LDC REVIEW INTENSIVE DISCUSSIONS ON THE FUTURE OF TROPICAL PRODUCTS AGREEMENTS. WE WILL COMMUNICATE THE RESULTS OF THIS REVIEW TO YOU AS SOON AS POSSIBLE. CHRISTOPHER

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PAGE 01 STATE 096850
ORIGIN STR-03

INFO OCT-01 ISO-00 STRE-00 ARA-03 /007 R

66011

DRAFTED BY STR/SBO'LEARY

APPROVED BY STR/SBO'LEARY

-----066337 110321Z /14

O 110258Z MAY 78

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO IMMEDIATE

LIMITED OFFICIAL USE STATE 096850

PASS LANDE

FOLLOWING RPT STATE 096850 SENT ACTION GENEVA INFO NEW DELHI
SINGAPORE APR 15, 1978.

QUOTE: LIMITED OFFICIAL USE STATE 096850

MTN DEL

E.O. 11652: N/A

TAGS: ETRD, MTN

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PAGE 02 STATE 096850

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PAGE 03 STATE 096850

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B) SOMETYPE OF SPECIFIC CITATION OF THE INDIAN IMPORT
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PAGE 04 STATE 096850

TRADE CONTROL POLICY VOL. I, APRIL 1977 TO MARCH 1978,
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UNQUOTE VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TROPICAL PRODUCTS, TRADE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE096850
Document Source: CORE
Document Unique ID: 00
Drafter: SBO\LEARY:TI
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780161-0903
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780452/aaaabsfx.tel
Line Count: 306
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4b1228ad-c288-dd11-92da-001cc4696bcc
Office: ORIGIN STR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
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Reference: 78 STATE 85780, 78 PARIS 11349, 78 GENEVA 8
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2955843
Secure: OPEN
Status: NATIVE
Subject: U.S. INDIAN TROPICAL PRODUCTS AGREEMENT
TAGS: ETRD, US, IN, MTN
To: GENEVA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/4b1228ad-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
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20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014